

200/Dec
Cap
Cap
Ba

Committee on (Trade)

2nd Session, 24th Parliament, 1959

THE SENATE OF CANADA



CAL YCII
-B18

PROCEEDINGS

OF THE

STANDING COMMITTEE

ON

BANKING AND COMMERCE

To whom was referred the Bill C-26, intituled:
"An Act to amend the Northwest Territories Act"

[4]

The Honourable **SALTER A. HAYDEN**, Chairman

No. 1

TUESDAY, MARCH 10th, 1959

WITNESS:

Mr. F. J. G. Cunningham, Assistant-Deputy-Minister, Department of
Northern Affairs and National Resources.

THE QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1959

BANKING AND COMMERCE

The Honourable Salter Adrian Hayden, Chairman

The Honourable Senators

*Aseltine	Golding	Pouliot
Baird	Gouin	Power
Beaubien	Haig	Pratt
Bois	Hardy	Quinn
Bouffard	Hayden	Reid
Brunt	Horner	Robertson
Burchill	Howard	Roebuck
Campbell	Hugessen	Taylor (<i>Norfolk</i>)
Connolly (<i>Ottawa West</i>)	Isnor	Thorvaldson
Crerar	Kinley	Turgeon
Croll	Lambert	Vaillancourt
Davies	Leonard	Vien
Dessureault	*Macdonald	Wall
Emerson	McDonald	White
Euler	McKeen	Wilson
Farquhar	McLean	Woodrow—50.
Farris	Monette	
Gershaw	Paterson	

**ex officio member.*

(Quorum 9)

ORDER OF REFERENCE

MONDAY, March 9, 1959.

"Pursuant to the Order of the Day, the Honourable Senator Aseltine moved, seconded by the Honourable Senator Brunt, that the Bill C-26, intituled: "An Act to amend the Northwest Territories Act", be read the second time.

After debate, and—

The question being put on the motion, it was—

Resolved in the affirmative.

The Bill was then read the second time.

The Honourable Senator Aseltine moved, seconded by the Honourable Senator Brunt, that the Bill be referred to the Standing Committee on Banking and Commerce.

The question being put on the motion, it was—

Resolved in the affirmative."

J. F. MacNEILL,
Clerk of the Senate.

MINUTES OF PROCEEDINGS

TUESDAY, March 10, 1959.

Pursuant to adjournment and notice the Standing Committee on Banking and Commerce, after due consideration of other Bills met this day at 11.30 a.m.

Present: The Honourable Senators: Hayden, *Chairman*; Aseltine, Beaubien, Bois, Brunt, Burchill, Connolly (*Ottawa West*), Crerar, Croll, Golding, Haig, Isnor, Lambert, Leonard, Macdonald, McDonald, McKeen, Pouliot, Power, Pratt, Reid, Robertson, Taylor (*Norfolk*), Turgeon, Wall, White, Wilson and Woodrow.
—28.

In attendance: Mr. E. Russell Hopkins, Law Clerk and Parliamentary Counsel and the Official Reporters of the Senate.

Bill C-26, An Act to amend the Northwest Territories Act, was considered clause by clause.

Heard in explanation of the Bill: Mr. F. J. G. Cunningham, Assistant Deputy Minister, Department of Northern Affairs and National Resources.

On motion of the Honourable Senator Aseltine, seconded by the Honourable Senator Haig, it was resolved that authority be granted for the printing of 600 copies in English and 200 copies in French of the proceedings on the said Bill.

Further consideration of the Bill was postponed.

At 12.35 p.m. the Committee adjourned until 10.30 a.m. tomorrow, March 11, 1959.

Attest.

Gerard Lemire,
Clerk of the Committee.

THE SENATE
STANDING COMMITTEE ON BANKING AND COMMERCE
EVIDENCE

OTTAWA, Tuesday, March 10, 1959.

The Standing Committee on Banking and Commerce, to which was referred Bill C-26, to amend the Northwest Territories Act, met this day at 10.30 a.m.

Senator Salter A. Hayden in the Chair.

The CHAIRMAN: Gentlemen, we have before us Bill C-26, which is an act to amend the Northwest Territories Act, and involving certain amendments. We have with us Mr. Cunningham, who is Assistant Deputy Minister of Northern Affairs. The bill is a very short one. Possibly the simplest way to deal with it would be section by section, and have Mr. Cunningham give an explanation of each section as we move along, and you can address your questions to him. Will that be satisfactory?

Hon. SENATORS: Agreed.

The CHAIRMAN: Mr. Cunningham, would you just explain these sections as you go along? Would you explain what is the purpose of section 1? (Referring to section 1: Duration of council, elections. Tenure of appointed members).

Mr. F. J. G. Cunningham (Assistant Deputy Minister, Northern Affairs):

There are several objects of this first section combined together. The first section is to provide for the fixed term of three years for the life of each council, to start with the date of the return of the writs for the general election, rather than, as before, to have it run for three years from the date of the return of the writs of the election of each elected member.

The CHAIRMAN: All their terms will end at the same time?

Mr. CUNNINGHAM: Yes, instead of ending at different times. That is the primary purpose. The second purpose of this first subsection is to provide for by-elections, and this is the most important part. This is done by deleting the old subsections 4, 5 and 6, which spelled out the procedure to be followed, namely the appointment by the Governor in Council of someone to fill the unexpired portion of the term of an elected member who died, resigned, or became incapable of holding office.

Now, in the lefthand side of the material, the actual bill itself which is before you for consideration, there is no direct reference to by-elections, but the deletion of those three subsections 4, 5 and 6 of the old section has the legal result of making the provisions of the Canada Elections Act relating to by-elections apply in the Northwest Territories.

Senator ASELTINE: I was asked a question on this point last night, as to what section of the Canada Elections Act made this so.

Mr. CUNNINGHAM: Section 114.

The CHAIRMAN: How does it read?

Mr. CUNNINGHAM: "Elections of members to the Council of the Northwest Territories—(in this section called 'Northwest Territories elections') shall be conducted in accordance with the provisions of this act, subject to this section and to such adaptations and modifications as the Chief Electoral Officer, with the approval of the Commissioner of the Northwest Territories, directs as being necessary by reason of conditions existing in the Northwest Territories to conduct effectually Northwest Territories elections."

Senator ASELTINE: Does that apply to the Yukon Act as well?

Mr. CUNNINGHAM: No.

Senator REID: How does that fit in with the policy of saying that the Governor in Council is given power to dissolve the Council?

The CHAIRMAN: Wait a minute, until we get through with this point. Even with this reference to the Canada Evidence Act, were there any requirements, either in this act or the Canada Evidence Act, that a vacancy must be filled?

Mr. CUNNINGHAM: I will have to look up the section, because I do not know it. It is the section in the Canada Elections Act which provides for by-elections in the case of a vacancy in the House of Commons.

Senator CROLL: Is it the same period of time?

Mr. CUNNINGHAM: Everything is identical.

The CHAIRMAN: Is that section made applicable to the Northwest Territories?

Mr. CUNNINGHAM: It is, by the section 114 which I just read. To repeat the operative words only: "Elections of members to the Council of the Northwest Territories shall be conducted in accordance with the provisions of this act"; and the Department of Justice and the Chief Electoral Officer both agree, and so advised us, and the bill was drafted accordingly.

Senator CONNOLLY (*Ottawa West*): Is that section 114 of the Northwest Territories Act?

The CHAIRMAN: No, of the Canada Elections Act. Is there anything in the Northwest Territories Act which says that when there is a vacancy in the Council, or whatever they have there, it must be filled?

Mr. CUNNINGHAM: No, Mr. Chairman.

Senator ASELTINE: A vacancy is filled by appointment.

The CHAIRMAN: No, not once this bill goes through.

Senator ASELTINE: No, but at the present time.

The CHAIRMAN: Then what is there, once this bill becomes law in the form it is, that requires a by-election to be held to fill a vacancy?

Senator CROLL: He says it is the same procedure as applies to a House of Commons vacancy.

The CHAIRMAN: I am not sure that it is.

Senator CONNOLLY (*Ottawa West*): What is there in the Northwest Territories Act which brings into force in the Territories the provisions of the Canada Elections Act in that respect?

Mr. CUNNINGHAM: Nothing, but the same thing is done by section 114 of the Canada Elections Act.

Senator HAIG: It is the Elections Act that brings it in.

Senator CONNOLLY (*Ottawa West*): Perhaps it is the other way, then. Does the provision in the Canada Elections Act, which I have not read, make that act applicable to the Northwest Territories?

Mr. CUNNINGHAM: Yes, Mr. Chairman.

The CHAIRMAN: All it says is this:

"Elections of members to the Council of the Northwest Territories (in this section called "Northwest Territories elections") shall be conducted in accordance with the provisions of this Act, subject to this section and to such adaptations and modifications as the Chief Electoral Officer, with the approval of the Commissioner of the Northwest Territories, directs as being necessary by reason of conditions existing in the Northwest Territories to conduct effectually Northwest Territories elections."

That deals with the conduct of the elections.

Senator CONNOLLY (*Ottawa West*): That is right.

The CHAIRMAN: But I was dealing with a different point. I was referring to the requirement of a vacancy that occurs in the Council of the Northwest Territories, that it must be filled. To me there seems to be a difference between the procedure of conduct for an election and the requirement that you must fill a vacancy.

Mr. CUNNINGHAM: I find that very interesting because that same doubt occurred to me when I got the bill back from Justice. I discussed it with the Deputy Minister of Justice, and the Chief Electoral Officer and they both assured me there was no question whatever but that section 114 of the Canada Elections Act means that in the event of the death, resignation or incapacity of an elected member of the Northwest Territories Council there will, if this bill is passed deleting subsections 4, 5 and 6 of section 8, be a by-election to fill the vacancy. They assured me there is no question whatever about it, and that this is the proper technique to accomplish this result. I had to act on their advice and I accepted their draft as accomplishing this purpose. I assure this committee that it does accomplish this purpose. If further corroboration is wanted on this point, the committee might wish to call the Deputy Minister of Justice or one of his assistants who is in charge of this.

Senator CONNOLLY (*Ottawa West*): The word we are stumbling on is "conduct".

The CHAIRMAN: Yes.

Senator CONNOLLY (*Ottawa West*): Well, I don't remember all the wording you read just now, Mr. Chairman, but the first part of that section 114 discusses the conduct of elections.

There is a section that begins with "subject" to something or other, and at the end of that clause the word "conduct" reappears. Mr. Cunningham may be completely right, and Justice may be right; but suppose it does not have to do with the calling of the election but only with the conduct of the election after it has been called. You may have a gap.

Senator REID: It certainly is not clear to a layman.

The CHAIRMAN: The connotation of the word conduct is not such as to mean it extends to include the requirement that a vacancy in the council must be filled. I can understand that the procedure in the Canada Elections Act is the procedure that you follow in any election in the Northwest Territories and not just a by-election.

Senator CRERAR: There is a provision in the General Elections Act that by-elections to fill vacancies caused by death or in any other way must be called within six months. I presume that will apply under this legislation in the Northwest Territories and the qualification in Section 114, as I understand it, is that the Chief Electoral Officer with the Commissioner may, in very special circumstances, vary that. That arises naturally from the conditions existing in the Northwest Territories.

Under the law, by-elections held in mid-winter might render it desirable to postpone the matter for a few months.

Senator CONNOLLY (*Ottawa West*): But that is a question of conduct.

Senator CRERAR: As I grasp it, perhaps imperfectly, that would be covered.

Senator CONNOLLY (*Ottawa West*): In the Northwest Territories, when a vacancy occurs, is a writ issued for a by-election?

Mr. CUNNINGHAM: Yes. There has never been in the past, but once this is passed the answer is yes.

Senator CONNOLLY (*Ottawa West*): Who would issue the writ?

Mr. CUNNINGHAM: The Commissioner of the Northwest Territories issues the writ to the Chief Electoral Officer, in consequence of which the Chief Electoral Officer proceeds in exactly the same fashion respecting a by-election.

Senator CONNOLLY (*Ottawa West*): I am not very familiar with the Act, but upon whose direction does he issue the writ?

Mr. CUNNINGHAM: The Commissioner issues the writ of election on the direction of the Minister of Northern Affairs. The Northwest Territories Act so provides.

Senator CONNOLLY (*Ottawa West*): That is in the act?

Mr. CUNNINGHAM: Yes.

Senator LAMBERT: Does the Deputy Returning Officer—

Mr. CUNNINGHAM: The Chief Electoral Officer.

Senator LAMBERT: Has he the final jurisdiction in connection with this writ?

Mr. CUNNINGHAM: The final jurisdiction to execute the writ but not to decide upon the determinate date on which it shall issue.

Senator LAMBERT: Is it the governor in council?

Mr. CUNNINGHAM: It is the Commissioner of the Northwest Territories; he has that direct responsibility, but he acts under the direction of the Minister of Northern Affairs and/or the governor in council.

Senator LAMBERT: So that the final authority is really in the government here.

Mr. CUNNINGHAM: That is right.

Senator LAMBERT: On the recommendation of the Commissioner.

Mr. CUNNINGHAM: Yes.

Senator CONNOLLY (*Ottawa West*): What section of the Act is that?

Mr. CUNNINGHAM: The Commissioner shall administer the government of the Territories under the instructions, from time to time given by the governor in council or the Minister, and "Minister" is defined in Section 2 (f) as meaning the Minister of Northern Affairs.

Senator CONNOLLY (*Ottawa West*): I meant the section with respect to the issue of the writ. Is it a provision of the Canada Elections Act?

The CHAIRMAN: There are two aspects to be considered. One is the conduct of elections, and that is provided for in the Canada Elections Act. When you have an election it starts with the issue of a writ, but it seems to me that some authority has to go to the Chief Electoral Officer before he issues the writ.

Mr. CUNNINGHAM: That is right.

The CHAIRMAN: That authority, in relation to the Northwest Territories, should be provided in the Act.

Mr. CUNNINGHAM: Yes, it is in Section 8, the one we are discussing. You will note that the proposed bill deletes subsections 2 to 7 inclusive but does not delete subsection 1 of section 8 and as it now is and will continue to be it reads that there shall be a council of the Territories consisting of eight members,

three of whom shall be elected to represent such electoral districts in the Territory as are named and described by the Commissioner in Council and five of whom shall be appointed by the governor in council.

That is Chapter 331 of the Revised Statutes of 1952 and it was amended in 1954 to provide for four instead of three members. But that is the basic thing. There shall be a council of a certain number of members, of whom a certain number shall be elected. There is your obligation to elect.

The CHAIRMAN: They are elected, yes. But suppose one dies or disqualifies himself: where does the authority emanate from as a result of which a writ is issued for a by-election?

Mr. CUNNINGHAM: The Commissioner in Council.

The CHAIRMAN: Where does it say so? It should be in the Northwest Territories Act.

Mr. CUNNINGHAM: I should have said the Commissioner, not the Commissioner in Council.

The CHAIRMAN: What is the section?

Mr. CUNNINGHAM: There is none that covers it in any more specific way than subsection 1 of 8.

The CHAIRMAN: It does not cover it at all.

Senator CONNOLLY (*Ottawa West*): Would this help? Could we have the section turned up in the Canada Elections Act—the section which provides for the issue of a writ in the case of a vacancy in the House of Commons.

The CHAIRMAN: Section 113 says that notwithstanding anything in this or in any other act, whenever a writ has been issued ordering a by-election to be held, and so forth. That, therefore, contemplates the machinery of the Canada Elections Act starting to function when a writ ordering a by-election has been issued. Now the question I am asking is this: who has the authority to authorize that the writ be issued?

Senator CONNOLLY (*Ottawa West*): Under the Canada Elections Act, what provision is it that gives authority for the writ to be issued?

The CHAIRMAN: I have not found that in the Canada Elections Act and I am wondering whether it is there. I am wondering whether it is in some other statute, maybe the House of Commons statute.

Senator LAMBERT: It may be there.

Senator MACDONALD: When notice is given in the House of Commons of a vacancy, then a writ has to be issued.

The CHAIRMAN: But that notice is not in the Elections Act.

Senator MACDONALD: It is in the House of Commons Act.

Senator CONNOLLY (*Ottawa West*): We have on the Committee a gentleman who no doubt issued such writs. I wonder where he had the authority to do so when he was speaker.

Senator MACDONALD: On several occasions writs were issued in the event of death, when that event was brought to the attention of the Speaker. Then the Returning Officer was required to issue the writ.

Senator CROLL: On what authority?

Senator MACDONALD: In virtue of one of the acts.

Senator CROLL: But that is the point; which act?

Senator MACDONALD: The witness has made a suggestion. He has told us that Justice has informed him that the election can be held by virtue of Section 113—

The CHAIRMAN: Section 114.

Senator MACDONALD: Section 114 of the Elections Act. He has suggested that it might be advisable to have an official from Justice come here and explain to us on what grounds he had made that statement. Senator Aseltine will know whether there is any urgency in asking the witness to go into this today. We could perhaps adjourn the hearing until a later date, perhaps tomorrow, or some other suitable time and have someone from Justice here to explain the matter. I believe that was the witness' suggestion.

Senator CROLL: Aren't we lawyers becoming a little technical while we are having a little fun over this? We know as a matter of fact what does happen and what they are doing is in accordance with the customary practice. Are we not indulging in a little mental exercise? It is not really necessary to bring anyone from Justice. The Chairman has seen through this.

The CHAIRMAN: We are striking out several subsections in the statute which provide for the filling of vacancies. Are we leaving ourselves without the right to fill vacancies.

Senator CROLL: It has been said that once we get away from the Northwest Territories Act then they become Canadian citizens in the full sense and come under the House of Commons Act.

The CHAIRMAN: Not the House of Commons.

Senator CROLL: Under the Elections Act, and they are defeated or elected under that Act.

The CHAIRMAN: All that the Canada Elections Act provides for is that elections shall be instituted as heretofore by writs of election. I knew that. That is the way elections are instituted.

Mr. CUNNINGHAM: I have the point now, I think, Mr. Chairman.

The CHAIRMAN: Before we have any controversy the witness thinks he has the section in the Northwest Territories Act.

Mr. CUNNINGHAM: Subsection 2 will really cover the point once one accepts the proposition that election includes by-election. It is provided that the governor in council may cause a new Council to be elected, and so on. Those are the pertinent words. I think that is the legal thread we are seeking.

The CHAIRMAN: Cause a new Council to be elected.

Mr. CUNNINGHAM: Yes.

The CHAIRMAN: I can understand that, but I am not thinking of dissolution. When one person dies, however, you have to have a vacancy. How do you start the machinery in motion in that event?

Mr. CUNNINGHAM: If the governor in council has authority to cause a Council to be elected by virtue of the Election Act, it has authority to cause a by-election to be called to replace one of the new Council who dies, resigns or becomes incapable.

The CHAIRMAN: With all due respect, Mr. Cunningham, it has not been demonstrated.

Senator HAIG: Ask the Deputy Minister to come and tell us under what authority the by-election will be held in the Northwest Territories.

The CHAIRMAN: Suppose in the meantime we consider the various sections of the Bill. There may not be such a problem in connection with other sections, and with that reservation we might go on to some of the other sections.

Senator ASELTINE: The Committee will be meeting in the morning and we can leave that in abeyance.

The CHAIRMAN: Yes, the final report we will leave in abeyance until tomorrow morning. We still have a little time left and we might finish the bill, allowing Section 1 to stand.

Senator CRERAR: In connection with Section 1, there is a matter which is not related to the point we have been discussing. There is a change in the new Section 1 from the preceding one in the sense that the governor in council may dissolve the Northwest Territories Council at any time in its discretion. Under the existing legislation the governor in council did not have that authority until after two years had expired following the territorial election. I think the change is undesirable. After all, four members are elected. There are presumably the choice of the constituencies which they represent and simply to give the governor in council at Ottawa the authority to dissolve them one week after the writs are returned, if they wish to do so, is I submit undesirable.

The CHAIRMAN: It is something that takes us back to the early days when the King could do that sort of thing—could dissolve an elected parliament.

Senator CRERAR: I wish to move an amendment.

The CHAIRMAN: Before you move the amendment, perhaps the witness has an explanation to offer.

Mr. CUNNINGHAM: This point, or one similar to it, was raised in the other place and the Minister dealt with it there. This amendment is intended to be a forward step in establishing democratic procedures in the territories. There is representative government in the Northwest Territories but not responsible government. The members of the Territorial Legislature are not in a position to control the actions of the administration. It is not necessary for the administration to have the confidence of a majority of the members of the council.

The CHAIRMAN: Well, are the members of the Council, elected by the people, just going through motions? Does the administration carry on in spite of them?

Mr. CUNNINGHAM: No, but the system that we have in the provinces, or in the Canadian Government under which an administration resigns if it ceases to have the confidence of a majority of the members who are elected to the legislature or to the House of Commons, does not exist in the territories. There are four elected members and there are five appointed members who are chosen by the governor in council of the Federal Government. The time will come some day when the administration will be responsible to the legislature, but that time has not yet arrived. If the decision to dissolve the council were left to the council itself, it would mean that the five appointees of the Federal Government could out-vote the four elected members and the right to dissolve would rest in the five federal nominees. It is a more democratic procedure to have that right rest in the governor in council itself.

Senator McKEEN: Could not the governor in council right now remove the appointed members of the council? Is there any difference there? The only group it would affect now are the elected members.

The CHAIRMAN: The great point of difference, Senator McKeen, is that under the present law the council, once it is elected, is guaranteed a life of two years before the governor in council may dissolve the Council. Under the proposed amendment the governor in council may dissolve the council at any time, so that the big difference lies in the question: why is it necessary to change the period of two years and make the power of the governor in council exercisable at any time?

Senator CONNOLLY (*Ottawa West*): Would the witness direct his remarks to that point.

The CHAIRMAN: That was Senator Crerar's question. Why have you made a change in respect to the two years?

Senator HAIG: The four members do not have anything to do; the business is done by the governor in council.

The CHAIRMAN: Why have a council.

Mr. CUNNINGHAM: For legislative purposes only.

The CHAIRMAN: Even that is not the question. The question is the narrow one which Senator Crerar has raised: What are the circumstances that now make it necessary, in the opinion of the Government to change that guaranteed period of two years before the governor in council can dissolve the council?

Senator HAIG: Bring the Minister and let him tell us.

Senator CRERAR: If Senator Haig's argument is sound, why have elected members?

The CHAIRMAN: Senator Haig is saying: if that is the question, why not bring the Minister to explain.

Senator HAIG: If this has anything to do with what Senator Macdonald suggests, you should have the Minister here to tell us what it does do. You can ask him the question. I am not prepared to vote on the motion without knowing what the Minister says.

Mr. CUNNINGHAM: It might help if I read the remarks of the Minister on the second reading of the bill. He said:

The present act also provides that the "governor in council may, at any time after the expiration of two years from the date of the return of the writs of election of the elected members of the council, dissolve the council and cause a new council to be elected and appointed. It is now proposed, by the new amendment, to bring the principles relating to dissolution in the territories in accord with the principles followed in the provinces and in this house. A similar change was made several years ago in the Yukon Act, and its provision in this act is another step in the evolution of the Northwest Territories toward responsible government."

Senator HAIG: He means, if the Government has the power to veto them the same as the Government in the House of Commons has power to dissolve the House there.

Mr. CUNNINGHAM: It takes away the artificial and arbitrary limitation on the right to dissolve before the expiry of the two-year period. It removes that limitation and establishes a procedure more closely allied to the normal democratic process.

Senator CROLL: But the life of a parliament is not two years or one year or any specific time.

Senator LAMBERT: I submit, with respect, that this suggestion in the bill represents a step in the wrong direction in the democratization of that district. It is getting farther away from the theory of representation which is supposed to be embodied in the reforms that took place there in creating a new district out of the Northwest Territories.

Mr. CUNNINGHAM: The situation is this—

Senator LAMBERT: I should like to complete the expression of my thought in this regard, which I think is fundamental. The pattern that has been adopted is not unlike the one that exists in colonies throughout the West Indies where you have the governor in council nominating legislative assemblies or the legislative council. Even if the legislative council may outnumber in representation the executive council, the government and the executive council are still the boss there. It seems to be that if you had the two-years provision nothing could be done within that period and you would at least be preserving that step in the direction of the democratization of the district until the population grows. To revert to the complete power of the governor in council to eliminate the two years is in my opinion, I repeat, a step in the wrong direction.

Mr. CUNNINGHAM: The brief sentences which I quoted a minute ago from the Minister of Northern Affairs were spoken at the resolution stage in the other place. The point that has been raised here this morning was raised in the other place on the second reading and the Minister spoke somewhat more fully at that time in support of this amendment. He said:

The second point is the key one, I believe, and this was the reason why there was added in the first section these words:

‘—but the governor in council may at any time dissolve the council and cause a new council to be elected and appointed.’

The first change was in the use of dissolution to make it similar to the provinces. Now you can dissolve at any time like the provinces and this house. It is the next stage which causes concern. If you can visualize this council made up of five appointed members, appointed by the minister under the governor in council, with a commissioner who happens to be my deputy minister, and then four elected members you see the picture a little more clearly. Supposing we had put in ‘dissolve on the advice of the commissioner, on the recommendation of the council’, what would that mean? It would mean the five appointees of the federal government and the commissioner would be given the power to recommend dissolution.

Senator CONNOLLY (*Ottawa West*): He was talking to the amendment proposed in the other place, was he not? All that that amendment proposes to do is to give the commissioner the right to dissolve at any time. He did not on that occasion, as I read the discussion that took place in the other place, speak to the question of the removal of the two-year limitation.

The CHAIRMAN: No, he did not deal with that. Do you still wish to propose your amendment, Senator Crerar?

Senator ASELTINE: Why not leave the matter until we see the Minister tomorrow.

The CHAIRMAN: Very well. There are a couple of other sections we could deal with.

Senator CROLL: I am going to raise a serious objection to something in section 5. I am going to raise the point and you might as well prepare to answer it tomorrow. There may be others who will join with me, but I raise serious objection to giving them the right to seize and take action without warrant.

The CHAIRMAN: In view of that, is there any point in our going further with this bill at this time. Should we not let it stand until tomorrow.

The Committee thereupon adjourned.

